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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,836	07/14/2003	Madis Staub	422/1	4350

24101 7590 09/20/2005

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/618,836	Applicant(s) STAUB ET AL.	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

MV

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because of the repeated use of the legal term “said”, which is improper in the abstract as it should be a summary of the technical disclosure leaving out legal terminology such as “said”, “means” or “invention” and further the last line providing the number of claims and sheets of drawings is objected to since it adds nothing to the technical disclosure and should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The use of underlining found on pages 4 and 5 is improper since it is unnecessary and is normally used in the amendment process and is not significant in that context herein since it is in the original specification. The underlining must be deleted as it leads to confusion.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is replete with language that is indefinite wherein terms are utilized without introduction. The following terms are used without any prior introduction in the claims: “the tongue” (line 2); “the opening” (line 2); “the tip” (line 2); “the protective housing” (line 4); “the U-shaped frame” (line 4); “the front part” (line 4); “the flank walls” (lines 5-6); “the latch” (line

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6); “its side walls” (line 7); “the blocking device” (line 7); “the front side” (line 7); “the tooth” (line 8); “the opening in the base of the frame” (line 9); “the back side” (line 9); “the slots” (line 10); “the side walls of the frame” (lines 10-11); “the direction” (line 12); “the base of the frame” (lines 12-13); “the pusher” (line 14); “the spring of the blocking device” (line 15); “the anchoring element” (line 16); “the sides” (line 18); “the front edge” (line 19); “the side walls of the latch” (line 21). Each of these terms needs to be introduced either with an indefinite article or no article, whichever is appropriate in context, and then followed by the use of definite articles. The limitation “of recesses of side walls” (line 19) appears to be a double inclusion of structure and it is not clear if it is the same subject matter as previously defined in line 9 as there is no other recesses and side walls in the latch. Similarly, the limitation “of recesses of the latch” (lines 18-19) is a double inclusion because the failure to use a definite article such as “the” makes the claim indefinite because it is not clear if the same recess are being referred to as in line 7. Similar comments are applicable to the limitation “of recesses at the said side walls of the latch” (lines 21-22). Claim 2 is indefinite because it depends from an indefinite claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Oskarovich (RU 2125396) in view of Nanbu et al. (US 5280669).

Oskarovich (figures 1-24) teaches seatbelt structure including a tongue having an opening at the tip of the tongue, a housing, a U-shaped frame, a latch 10, a blocking device 18 with a pushing spring and 31, a pushbutton 38, a pusher 25 with a pushing spring 28 and an anchoring element for securing the buckle to the body of a motor vehicle. The latch 10 as shown in figure 8 has recesses 17a in its side walls in order to receive the blocking member 18. The difference is that the latch fails to additionally have two supports for the blocking device. However, Nanbu et al. (figures 5a-5c) teaches seatbelt buckle structure including a pushbutton 7, blocking device 6, 6a and a latch 5, wherein the lead line for reference 5 ends on a portion of the latch that defines a recess. The right hand side of the recess is defined by a support 41. The recess so defined allows for receipt of the blocking device 6, 6a when the latch is moved to the open position while the support 41 prevents movement of the blocking device 6, 6a by the interposed blocking member 40 when subjected to large acceleration forces. As it would be beneficial for the buckle of Oskarovich to remain latched when subjected to large acceleration forces, it would have been obvious to modify the buckle of Oskarovich so that the side walls of the latch have supports that would interact with the blocking device in order to prevent its movement when the buckle is subjected to large acceleration forces as taught by Nanbu et al. who indicate that it is desirable to provide a support device upon the latch that extends vertically upward so that the blocking device can be prevented from movement when the buckle is subjected to large acceleration forces.

Allowable Subject Matter

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Claim 2 would be allowable if amended to overcome the rejection under 35 U.S.C. 112 identified above and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

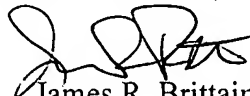
Conclusion

The patents of Pouget (US 4182008, figures 1-15) and Schmidt (US 4393557, figures 1-4) teach pertinent seat belt buckle structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James R. Brittain
Primary Examiner
Art Unit 3677

JRB